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No: 514

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983



ENROLLED

Committee Substitute for
SENATE BILL NO. 514

(By Mr. *Rogers, et al*)



PASSED *March 5,* 1983

In Effect *ninety days from* Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 514

(By MR. ROGERS, MR. TOMBLIN AND MR. CHAFIN,
original sponsors)

{Passed March 5, 1983; in effect ninety days from passage.}

AN ACT to amend and reenact section three, article three, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to rates for legal advertisements; computation; and filing affidavits with secretary of state.

Be it enacted by the Legislature of West Virginia:

That section three, article three, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. NEWSPAPERS AND LEGAL ADVERTISEMENTS.

§59-3-3. Rates for legal advertisements; computation; filing affidavits with secretary of state.

1 (a) The rates which a publisher or proprietor of a
2 qualified newspaper in West Virginia may charge and
3 receive for a single or first publication of any legal ad-
4 vertisement set solid shall depend upon the bona fide
5 circulation of such newspaper, as follows:

6 (1) Two cents per word if the qualified newspaper has
7 a bona fide circulation of one thousand or less;

8 (2) Five cents per word if the qualified newspaper has
9 a bona fide circulation of one thousand to ten thousand;

10 (3) Six and one-fourth cents per word if the qualified
11 newspaper has a bona fide circulation of more than ten
12 thousand but less than forty thousand; or

13 (4) Seven and one-fourth cents per word if the quali-
14 fied newspaper has a bona fide circulation of forty thou-
15 sand or more.

16 (b) In computing the number of words in a legal
17 advertisement, not set solid, the basis shall be upon the
18 size of type in which legal advertising is set by the quali-
19 fied newspaper making the publication, and shall be
20 computed at the legal rate as though the matter was solid
21 type, that is to say, on the basis of eighty-four words to
22 the single column inch in six point type, and fifty-four
23 words to the single column inch in eight point type, and
24 any other size type in proportion.

25 (c) In determining the cost of a legal advertisement
26 which is to appear more than once in the same qualified
27 newspaper, the cost for the first publication shall be com-
28 puted as specified in subsections (a) and (b) of this
29 section, and the cost of the second and each subsequent
30 publication shall be seventy-five percent of the cost of the
31 first publication computed as aforesaid.

32 (d) The rates provided for in this section may be
33 charged on and after the first day of July, one thousand
34 nine hundred eighty-three. Between the effective date of
35 this section and the said first day of July, one thousand
36 nine hundred eighty-three, the rates for publishing legal
37 advertisements shall be those in effect immediately prior
38 to the effective date of this section. The average bona fide
39 circulation stated by each qualified newspaper in the
40 statement filed by such newspaper with the United States
41 post office department in November, one thousand nine
42 hundred eighty-two, shall control the rate circulation
43 classification of such qualified newspaper for the period
44 from the first day of July, one thousand nine hundred
45 eighty-three, until the first day of July, one thousand
46 nine hundred eighty-four. On or before the first day of
47 November, one thousand nine hundred eighty-four, the
48 publisher or proprietor of each newspaper desiring to pub-
49 lish any legal advertisement during the ensuing fiscal

50 year shall file with the secretary of state an affidavit
51 stating the average bona fide circulation of such news-
52 paper during the preceding calendar year, and sufficient
53 facts shall be set forth in the affidavit to show whether
54 such newspaper is a qualified newspaper. The average
55 bona fide circulation stated in such affidavit by each
56 qualified newspaper shall control the rate circulation
57 classification of such qualified newspaper for the ensuing
58 fiscal year, beginning on the first day of July, one thou-
59 sand nine hundred eighty-four. The publisher or proprie-
60 tor of each newspaper desiring to publish any legal
61 advertisement during the ensuing fiscal year shall file an
62 affidavit as aforesaid on or before the first day of Novem-
63 ber of each succeeding year, and such affidavit shall
64 control the rate circulation classification of such news-
65 paper, if it is a qualified newspaper, for the ensuing fiscal
66 year. Any qualified newspaper for which the required
67 affidavit is not filed on or before the first day of March of
68 any calendar year after the year one thousand nine
69 hundred eighty-three, shall be conclusively presumed to
70 have for the ensuing fiscal year a bona fide circulation of
71 less than one thousand. At the time a publisher or pro-
72 prietor of a qualified newspaper files an affidavit with the
73 secretary of state, as aforesaid, such publisher or proprie-
74 tor shall notify the clerk of the county commission and
75 the board of education of the county in which such quali-
76 fied newspaper is published of the circulation classifica-
77 tion of such qualified newspaper and of the applicable
78 rate for publishing legal advertisements in such qualified
79 newspaper during the ensuing fiscal year. If the qualified
80 newspaper is published in a municipality, the publisher
81 or proprietor shall at the same time also furnish the same
82 notification to the clerk or recorder of such municipality.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Arnold Green
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Jess C. Mills
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Walter S. McNew
President of the Senate

W. M. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *17*
day of *March*, 1983.

John R. Ruff
Governor

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